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*Attorneys for the Official Committee of Equity Security Holders of  
 USA Capital Diversified Trust Deed Fund, LLC*

# UNITED STATES BANKRUPTCY COURT

## DISTRICT OF NEVADA

In re:  
 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

In re:  
 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

In re:  
 USA CAPITAL DIVERSIFIED TRUST DEED  
 FUND, LLC,  
 Debtor.

In re:  
 USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 Debtor.

In re:  
 USA SECURITIES, LLC,  
 Debtor.

Affects:

- ☒ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under  
 Case No. BK-S-06-10725-LBR

**Hearing Date: January 3, 2007**  
**Hearing Time: 9:30 a.m.**

**DECLARATION OF CHAS HARVICK IN SUPPORT OF THE  
OPPOSITION OF THE OFFICIAL COMMITTEE OF EQUITY SECURITY  
HOLDERS OF USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC TO DEBTORS'  
APPLICATION PURSUANT TO FED.R.BANKR.P. 2014(A) AUTHORIZING THE  
EMPLOYMENT AND RETENTION OF BEADLE, MCBRIDE, EVANS & REEVES, LLP  
AS "ORDINARY COURSE ACCOUNTANTS"**

I, Chas Harvick, hereby declare as follows:

1. I am a Director with FTI Consulting, Inc. ("FTI"), a financial advisory services firm specializing in reorganization, litigation and related consulting services. Prior to joining FTI in 2003, I worked for over 1½ years in the Forensic practice at KPMG and for over 3 years in the Value Solutions practice at Arthur Andersen.

2. FTI was retained by the Official Committee of Equity Security Holders of USA Capital Diversified Trust Deed Fund, LLC (the "Diversified Committee") on June 9, 2006, to perform financial advisory services in the chapter 11 cases captioned above.

3. Subsequent to FTI's retention, FTI has analyzed loans owed to USA Capital Diversified Trust Deed Fund, LLC ("DTDF") and related party transactions; reviewed past and current financials of all of the debtors in these cases, including the schedules of assets and liabilities, the statement of financial affairs and monthly operating reports; performed various analyses and provided feedback regarding issues and numerous motions filed in this case; and participated in meetings and innumerable communications with the debtors' professionals, with the professionals for the other official committees in these cases, with the U.S. Trustee, with borrowers on the DTDF and other loans and with other parties in interest and professionals hired by the same.

4. I make this declaration in support of the Diversified Committee's Opposition To Debtors' Application Pursuant To Fed.R.Bankr.P. 2014(a) Authorizing the Employment and Retention of Beadle, McBride, Evans & Reeves, LLP as "Ordinary Course Accountants" (the "Opposition").

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5. FTI has learned that Beadle prepared DTDF's U.S. returns of partnership income for 2002, 2003, 2004 and 2005 tax years, audited DTDF's financial statements for 2000, 2001 and 2002, and drafted an audit of DTDF's 2003 financial statements.

6. FTI has made repeated requests to the Debtors' professionals for Beadle's workpapers related to the DTDF audits but, to date, FTI has not received anything in response to its requests.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 26th day of December 2006, at Phoenix, Arizona.

/s/ Chas Harvick

CHAS HARVICK